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DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L Street, NW Washington, DC 20037				PEREZ, ANGELICA
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/879,917	FORTE, STEPHEN P.
	Examiner Angelica M. Perez	Art Unit 2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 January 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>Oct. 26, 2005</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Response to Arguments***

In the remarks, the applicant argued in substance:

1. On page 2, paragraph 3 reads: "The Hartmaier system operates as an intelligent controller, not a telecommunications switch...Hartmaier device does not perform any switch telecommunication functions...tells the PBX 208 where to send the calls, but does not actually route the call itself... Hartmaier cannot disclose sing said at least one retrieved user preference to route the call to at least one destination telephone number...As such, claim 1 is allowable over Hartmaier".

In response to argument (A), the examiner wants to point that in claim 1, there is no mention of a telecommunications switch. However, examiner wants to indicate that the previous art, in general, does utilize a "telecommunications switch"; e.g., (MSC) found on page 1, lines 42-50; column 2, lines 14-17; the PSTN network incorporates switching to the telecommunications system. In telecommunications systems, switches are an essential feature that allows the necessary routing/connections of the communication process. Moreover, on columns 15 and 16, lines 60-67 and table 2; Hartmaier discloses "using said at least one retrieved user preference to route the call to at least one destination telephone number". Where the individual user is allowed to specify a preferred telephone as primary (e.g., office), if a call is received and the primary telephone is idle and active, the call is routed to the primary telephone. If the primary telephone is idle and inactive, the call can be routed to an alternative telephone, mobile.

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Thus, Hartmaier art reads on claim 1.

(B) On paragraph 1 of page 3, applicant points that "Hartmaier system does not have the ability to ring two or more devices simultaneously" and "Hartmaier does not disclose simultaneous call routing".

In response to argument (B), the examiner agrees with applicant; however, claims comprising such limitations are rejected under new grounds of rejection. See rejection below.

(C) On page 4, paragraph 2, applicant indicates that Hartmaier fails to disclose a "telephony interface generating and sending a simulated dial tone...telephone number". Such limitation appears in claim 19 and affects dependent claims 20, 22-23 and 25.

In response to argument (B), the examiner agrees with applicant. However, examiner would like to point out that such limitation is taught by Karpus as shown in rejected claim 29. Therefore, claim 19 will follow the same lines of rejection as claim 29. Adjustments to claims 19 and corresponding dependent claims 20, 22-23 and 25 can be found in the rejection below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the

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requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 5, 8, 10-13, 15-18 and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartmaier (Hartmaier et al.; US Patent No.: US Patent No.: 005,978,672 A).

Regarding claims 1, 26, 27 and 28, Hartmaier teaches of a telecommunication device, network, method and enterprise comprising (columns 1, 3 and 5; lines 5-7, 10-14 and 17-22; where the third set of lines teaches of a device): a telephony interface (column 8, lines 65-67) the telephony interface for receiving a telephone call and identifying a dialed telephone number associated with the call (column 12, lines 37-40; e.g., "call screening"), the telephony interface using the dialed telephone number to retrieve at least a wireless telephone number and at least one user preference from a storage medium (column 12, lines 20-25; where it is inherent in the art to retrieve the information that has been stored previously), and the telephony interface using the at least one retrieved user preference to route the call to at least one destination telephone number (column 15, lines 50-67), where the at least one destination telephone number

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is selected from the group consisting of the retrieved wireless telephone number and a voice mailbox telephone number (columns 12 and 15; lines 20-25 and 50-67; respectively).

Regarding claim 5, Hartmaier teaches all the limitations of claim 1. Hartmaier also teaches where the telephony interface routes a first and second calls to a first destination telephone number corresponding to the retrieved wireless telephone number and to a second destination telephone number corresponding to a retrieved second telephone number in a sequential manner and as defined by the at least one retrieved user preference (column 16, table 2; e.g., the table indicates in the upper 4 levels where the office phone is the prime number, the routing first preference is given to the office number followed. Similarly the bottom part provides the preference to the mobile phone according to the user preference).

Regarding claim 8, Hartmaier teaches all the limitations of claim 1. Hartmaier further teaches where the telephony interface routes the call to a single destination telephone number corresponding to the voice mailbox telephone number (column 16, table 2; e.g., "office voice mail" is a single destination).

Regarding claim 10, Hartmaier teaches all the limitations of claim 1. In addition, Hartmaier where the telephony interface communicates with a private branch exchange, and where at least one of the at least one destination telephone numbers is associated with the private branch exchange (column 11, lines 60-63).

Regarding claim 11, Hartmaier teaches all the limitations of claim 10. Hartmaier also teaches where the at least one destination telephone number associated with the

private branch exchange is associated with a cellular telephone (column 11, lines 60-63).

Regarding claim 12, Hartmaier teaches all the limitations of claim 11. Hartmaier also teaches where the cellular telephone can operate independently from the device (column 3, lines 42-55; where the inherent programmable flexibility of cellular phones allows for independent as well as joint operability with other systems).

Regarding claim 13, Hartmaier teaches all the limitations of claim 11. Also, Hartmaier teaches where another of the at least one destination telephone number is associated with a pager (column 12, lines 38-41).

Regarding claim 15, Hartmaier teaches all the limitations of claim 1. Hartmaier further teaches where the telephony interface receives the call from a public switched telephone network, and where at least one of the at least one destination telephone number is associated with a private branch exchange (columns 1,2 and 10; lines 16-21, 14-16 and 39-42 respectively; e.g., PSTN and column 9, lines 5-7; where the PBX is the destination number).

Regarding claim 16, Hartmaier teaches all the limitations of claim 15. Hartmaier further teaches where the at least one destination telephone number associated with the private branch exchange is associated with a cellular telephone.

Regarding claim 17, Hartmaier teaches all the limitations of claim 1. Also, Hartmaier teaches where the telephony interface is connected to a local area network and the at least one user preference is input via the local area network (column 1, lines 5-7).

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Regarding claim 18, Hartmaier teaches all the limitations of claim 1. Hartmaier further teaches where the telephony interface is connected to the Internet and the at least one user preference is input via the Internet (column 9, lines 38-44).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over, Hartmaier in view of Kugell (Kugell et al., US Patent No.: 5,802,160 A).

Regarding claim 2, Hartmaier teaches all the limitations of claim 1.

Hartmaier does not specifically teach where the telephony interface routes the call to two destination telephone numbers simultaneously, a first destination telephone number corresponding to the retrieved wireless telephone number and a second destination telephone number corresponding to a retrieved second telephone number.

In related art, concerning a multi-ring telephone method and system, Kugell teaches where the telephony interface routes the call to two destination telephone numbers simultaneously, a first destination telephone number corresponding to the

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retrieved wireless telephone number and a second destination telephone number corresponding to a retrieved second telephone number (column 1, lines 51-57).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Hartmaier's telephony interface routes to a third destination number corresponding to the voice mailbox telephone number with Kugell's routein the call to two destination telephone numbers simultaneously in order to ensure that the called party can be reached, as taught by Kugell.

6. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmaier in view of Kugell, and further in view of Chow (Chow et al., US Patent No.: 006,711,401 B1).

Regarding claim 3, Hartmaier in view of Kugell teaches all the limitations of claim 2. Hartmaier also teaches where the telephony interface routes the call to a third destination number corresponding to the voice mailbox telephone number.

Hartmaier in view of Kugell does not specifically teach where the telephony interface routes the call to a third destination number corresponding to the voice mailbox telephone number

after a predetermined time as defined by the at least one retrieved user preference.

In related art concerning a wireless centrex call return, Chow teaches where the telephony interface routes the call to a third destination number corresponding to the voice mailbox telephone number after a predetermined time as defined by the at least one retrieved user preference (column 6, lines 35-40; where the "selected" time periods correspond to the user preferences).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Hartmaier in view of Kugell telephony interface routes to a third destination number corresponding to the voice mailbox telephone number with Chow's predetermined time as defined by the at least one retrieved user preference in order to activate the messaging service after a certain elapsed time.

Regarding claim 4, Hartmaier in view of Kugell, and further in view of Chow teaches all the limitations of claim 3. Chow further teaches where the predetermined time corresponds to a number of telephone rings defined by the at least one retrieved user preference (column 6, lines 35-40).

7. Claims 6-7, 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over, Hartmaier in view of Chow (Chow et al., US Patent No.: 006,711,401 B1).

Regarding claim 6, Hartmaier teaches all the limitations of claim 5. In addition, Chow teaches where the at least one retrieved user preference defines a first ring count for the call to the first destination telephone number and a second different ring count for the call to the second destination telephone number (column 75, lines 5-14; e.g., ring type 1, ring type 2 and ring type; where the ringer can be programmed according to the user's preference).

Regarding claim 7, Hartmaier in view of Chow teaches all the limitations of claim 6. Hartmaier further teaches where the telephony interface routes the call to a third destination telephone number corresponding to the voice mailbox telephone number

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after the telephony interface rings the first destination number more than the first ring count (column 16, table 2; e.g., Idle and inactive in column 3 routed to office voice mail).

Regarding claim 14, Hartmaier teaches all the limitations of claim 10. Chow also teaches where another of said at least one destination telephone number is associated with a personal digital assistant (column 80, lines 62-67).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmaier in view of Cox (Cox et al.; US Pub. No.: 2002/0,013,141 A1).

Regarding claim 9, Hartmaier teaches all the limitations of claim 1.

Hartmaier does not specifically teach where the telephony interface prompts a caller of the telephone call with a menu of call destination options and the telephony interface places the call to at least one destination telephone number in accordance with an option selected by the caller.

In related art concerning a method and system for personalized information services, Cox teaches where the telephony interface prompts a caller of the telephone call with a menu of call destination options and the telephony interface places the call to at least one destination telephone number in accordance with an option selected by the caller (page 6, paragraphs 0099-0110; where the options can be customized according to the user's preference).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Hartmaier's telecommunications network with Cox's menu in order to provide the caller with alternative routes of his/her preference).

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9. Claims 19, 20, 22-23, 25 and 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over, Hartmaier in view of Karpus (Karpus et al.; US Patent No.: 5,884,191).

Regarding claim 19, Regarding claims 1, 26, 27 and 28, Hartmaier teaches of a telecommunication device, comprising (columns 1, 3 and 5; lines 5-7, 10-14 and 17-22; where the third set of lines teaches of a device): a telephony interface coupled to an enterprise telecommunication network (figure 6, column 8, lines 65-67) the telephony interface for receiving a telephone call from a wireless telephone and identifying wireless telephone number of the wireless telephone (column 12, lines 37-40; e.g., "call screening"), the telephony interface using the dialed telephone number to retrieve a first enterprise telephone number associated with the enterprise telecommunication network and with the wireless telephone and to retrieve at least one user preference from a storage medium (column 12, lines 20-25; where it is inherent in the art to retrieve the information that has been stored previously), and the telephony interface using the at least one retrieved user preference to route the call to at least one destination telephone number (column 15, lines 50-67), where the at least one destination telephone number is selected from the group consisting of the retrieved wireless telephone number and a voice mailbox telephone number (columns 12 and 15; lines 20-25 and 50-67; respectively).

Hartmaier does not specifically teach of generating and sending the simulated dial tone to the wireless telephone to provide access to the enterprise communications

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network based on the at least one user preference and at least one enterprise preference associated with the enterprise telephone number.

In related art concerning interface systems for a mobile office environment, Karpus teaches of generating and sending the simulated dial tone to the wireless telephone to provide access to the enterprise communications network based on the at least one user preference and at least one enterprise preference associated with the enterprise telephone number (column 4, lines 49-54; where the preference).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Hartmaier's method of providing access to an enterprise telecommunication network with Karpus's simulated dial tone in order to provide access notification to a cellular telephone.

Regarding claim 20, Hartmaier in view of Karpus teaches all the limitations of claim 19. Hartmaier further teaches where the at least one enterprise preference comprises a security group defining authorized outbound call access of a user of the wireless telephone (column 14, lines 58-65).

Regarding claim 22, Hartmaier in view of Karpus teaches all the limitations of claim 19. Hartmaier further teaches where the telephony interface further comprises: means for receiving a second telephone call, the second telephone call being placed to the first enterprise telephone number associated with the enterprise telephone network; means for identifying the first enterprise number; means for using the first enterprise telephone number to retrieve at least the wireless telephone number; and means for using the at least one user preference to route the second call to at least one

destination telephone number, where the at least one destination telephone number is selected from the group consisting of the wireless telephone number and a voice mailbox telephone number (column 16, lines 10; where when the telephone is "busy and active", a phone call being held, a second call is routed to the "office voice mail". Also, where the "enterprise" corresponds to the office network).

Regarding claim 23, Hartmaier in view of Karpus teaches all the limitations of claim 22. Hartmaier further teaches where the telephony interface routes the call to two destination telephone numbers simultaneously, a first destination telephone number corresponding to the retrieved wireless telephone number and a second destination telephone number corresponding to a retrieved second telephone number (column 16, table 2, columns 1 and 2 in the table indicate the office phone and mobile phone as the receivers of the call at the same time).

Regarding claim 25, Hartmaier in view of Karpus teaches all the limitations of claim 22. Hartmaier also teaches where the telephony interface routes a first and second calls to a first destination telephone number corresponding to the retrieved wireless telephone number and to a second destination telephone number corresponding to a retrieved second telephone number in a sequential manner and as defined by the at least one retrieved user preference (column 16, table 2; e.g., the table indicates in the upper 4 levels where the office phone is the prime number, the routing first preference is given to the office number followed. Similarly the bottom part provides the preference to the mobile phone according to the user preference).

Regarding claim 29, Hartmaier teaches of a method of providing access to an enterprise telecommunication network from a wireless telephone, the method comprises: receiving a telephone call from the wireless telephone (columns 1 and 15, lines 5-7 and 20-32, respectively; where the access can be done from either a public line telephone or a cellular telephone); identifying a wireless telephone number of the wireless telephone (column 13, table I, lines 32-38; where the "MIN", mobile identity number); using the wireless telephone number to retrieve an enterprise telephone number associated with the enterprise telecommunication network (column 12, lines 10-14; where the cellular telephone can connect to any of the PBX applications); providing telecommunication access to the enterprise telecommunication network based on at least one user preference and at least one enterprise preference associated with the retrieved enterprise telephone number (column 12, lines 21-24 and 37-44).

Hartmaier does not specifically teach of generating a simulated dial tone; sending the simulated dial tone to the wireless telephone.

In related art concerning interface systems for a mobile office environment, Karpus teaches of generating a simulated dial tone; sending the simulated dial tone to the wireless telephone (column 4, lines 49-54).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Hartmaier's method of providing access to an enterprise telecommunication network with Karpus's simulated dial tone in order to provide access notification to a cellular telephone.

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10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over, Hartmaier in view of Karpus, and further in view of Schwab (Schwab et al.; US Patent No.: 6,597,781 B2).

Regarding claim 21, Hartmaier in view of Karpus teaches all the limitations of claim 19.

Hartmaier in view of Karpus does not teach where the at least one user preference comprises a dial tone timeout period, where a user of the wireless telephone is prevented from placing a call after the dial tone timeout period expires.

In related art concerning a call programming apparatus and method, Schwab teaches where the at least one user preference comprises a dial tone timeout period, where a user of the wireless telephone is prevented from placing a call after the dial tone timeout period expires (column 12, lines 61-63).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Hartmaier in view of Karpus telecommunications network with Schwab's dial tone time out period in order to prevent the user of the cellular telephone from placing calls after an allocated time has expired, as taught by Schwab.

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over, Hartmaier in view of Karpus, and further in view of Chow (Chow et al., US Patent No.: 006,711,401 B1).

Regarding claim 24, Hartmaier in view of Karpus teaches all the limitations of claim 23. Hartmaier also teaches where the telephony interface routes the call to a third destination number corresponding to the voice mailbox telephone number.

Hartmaier in view of Karpus does not specifically teach where the telephony interface routes the call to a third destination number corresponding to the voice mailbox telephone number after a predetermined time as defined by the at least one retrieved user preference.

In related art concerning a wireless centrex call return, Chow teaches where the telephony interface routes the call to a third destination number corresponding to the voice mailbox telephone number after a predetermined time as defined by the at least one retrieved user preference (column 6, lines 35-40; where the "selected" time periods correspond to the user preferences).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Hartmaier in view of Karpus telephony interface routes to a third destination number corresponding to the voice mailbox telephone number with Chow's predetermined time as defined by the at least one retrieved user preference in order to activate the messaging service after a certain elapsed time.

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***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.



Angelica Perez  
(Examiner)



Nay Maung  
SUPERVISORY PATENT EXAMINER

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February 11, 2005